

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------|---|----------------------|
| NAKIA PHILLIPS, |) | |
| |) | |
| Movant, |) | |
| |) | |
| v. |) | No. 4:19-CV-3395 RLW |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER


This closed matter under 28 U.S.C. § 2255 is before the Court on movant Nakia Phillips’s “Motion for Extension of Time to Answer the Deni[a]l of Phillips ‘2255’.” (ECF No. 26.) In the Motion, Phillips asks “for an extension of time to file his answer for a motion to compel of the deni[a]l of Phillips ‘2255,’” and further asserts he “would like to put in a motion for compel or reconsideration,” but states his institution is currently on lockdown for two weeks and as a result he cannot access the law library during that time period. (Id. at 1.)

The Court is unable to grant the relief movant requests in the Motion. First, the Federal Rules of Civil Procedure do not authorize the filing of either an “answer” or a “motion to compel” in response to the Court’s final dismissal of a § 2255 motion. Second, “The Federal Rules of Civil Procedure do not mention or account for ‘motions to reconsider.’” Nelson v. American Home Assur. Co., 702 F.3d 1038, 1043 (8th Cir. 2012). Finally, to the extent Movant may wish to file a motion under either Rule 59(e) or Rule 60(b) of the Federal Rules, the Court has no authority to extend the time for filing a motion under either Rule. See Fed. R. Civ. P. 6(b)(2).

For these reasons, the Motion will be denied without prejudice.

Accordingly,

IT IS HEREBY ORDERED that movant Nakia Phillips’s “Motion for Extension of Time to Answer the Deni[a]l of Phillips ‘2255’” (ECF No. 26) is **DENIED** without prejudice.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 13th day of April, 2023.